



COUNTY OF LOS ANGELES
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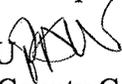
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MARK J. SALADINO
County Counsel

March 12, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Sammy Davis, Jr., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 04-08251

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Sammy Davis, Jr., et al. v. County of Los Angeles, et al. United States District Court Case No. CV 04-08251, in the amount of \$349,500 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges civil rights violations when Plaintiffs were put at a heightened risk of contracting Methicillin-Resistant Staphylococcus Aureus ("MRSA") due to unsanitary conditions of confinement in Los Angeles County jails.

CASE SUMMARY
INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sammy Davis, Jr., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 04-08251
COURT	United States District Court
DATE FILED	Complaint filed: October 4, 2004
COUNTY DEPARTMENT	Los Angeles County Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 349,500
ATTORNEY FOR PLAINTIFF	Barry Litt, Esq. Kaye, McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$349,500, inclusive of attorneys' fees and costs, the class action lawsuit filed by Sammy Davis, Jr., alleging civil rights violations because he and others were put at a heightened risk of contracting MRSA while they were incarcerated in County jails. The Sheriff's Department contends that it has taken all appropriate steps to prevent, identify, and treat MRSA.</p> <p>However, due to the uncertainties of litigation, a full and final settlement of the case in the amount of \$349,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 263,533
PAID COSTS, TO DATE	\$ 31,997



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Between April 5, 2004, and November 8, 2005
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Sammy Davis, Jr., et al v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-040</p> <p>Between April 5, 2004, and November 8, 2005, the named plaintiffs (representing the balance of the class) were incarcerated in various facilities within the Los Angeles County jail system. The plaintiffs alleged they were forced to sleep on the floor in vermin and cockroach-infested areas, use dirty mattresses and/or in dirty bedding, and endure overflowing urinals/toilets.</p> <p>Of the eight named plaintiffs, two never alleged they actually contracted any medical ailment, medical condition, or suffered any physical injury while incarcerated in the Los Angeles County jail system. They contend only that they were placed <i>at risk</i> of contracting serious medical conditions including, but not limited to, Methicillin-Resistant Staphylococcus Aureus (MRSA), as a result.</p> <p>Three of the plaintiffs claimed to have acquired infections caused by Methicillin-Resistant Staphylococcus Aureus (MRSA) as a result of the alleged conditions. Two of the plaintiffs claimed to have suffered rashes to their extremities as a result of the alleged conditions, and the eighth plaintiff alleged severe back pain, a large scab to his head, and numerous flea or tick bites on his arms, back and neck.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In their lawsuit, the named plaintiffs (representing the balance of the class) alleged they were subjected to improper sleeping accommodations, overcrowding, and unsanitary living conditions while incarcerated in the Los Angeles County jail system.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

These allegations were thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Pitchess Detention Center North Facility, Men's Central Jail, and Los Angeles County Sheriff's Department's Custody Support Services. After receiving the lawsuit, the allegations were investigated by representatives of the Los Angeles County Sheriff's Department Risk Management Bureau.

Their investigation revealed that involved members of the Los Angeles County Sheriff's Department followed established protocols in effect during the time. No employee misconduct is suspected. Consequently, no personnel-related administrative action was taken, and no other personnel-related corrective action measures are recommended nor contemplated.

Preceding the allegations and continuing thereafter, the Los Angeles County Sheriff's Department implemented the following corrective measures throughout the jail system.

The Los Angeles County Sheriff's Department's Medical Services Bureau revised the policy related to "MRSA" (originally created May 12, 2003 and last revised August 10, 2011). The revised procedures include the isolation of patients in wound-care dorms, decontamination of the affected inmate's housing area, and continuous monitoring for recurrences.

On January 13, 2013, the Los Angeles County Sheriff's Department Custody Division completed the installation of a comprehensive video surveillance system covering most of the secure areas of Men's Central Jail and Twin Towers Correctional Facility. The systems are currently being installed at Century Regional Detention Facility and are due for installation at all of the Pitchess Detention Center facilities beginning 2016.

In July 2009, the Los Angeles County Sheriff's Department implemented an electronic monitoring system that reports the current status of all required safety checks from inmate housing modules throughout the entire Los Angeles County Custody facility system. In 2011, the system was updated to its current version.

Beginning February 2010, the Los Angeles County Sheriff's Department started to maintain the custodial "Uniform Daily Activity Log" (UDAL) in electronic form. This log is maintained to document daily occurrences by housing unit inclusive of linen exchanges, vermin control measures taken, maintenance problems and corrections, supervisor checks, and unusual occurrences. All Los Angeles County jail facilities housing arrestees and inmates required to maintain this log now use this system.

On September 14, 2006, representatives of the United States District Court, Central District of California, pursuant to the matter in re: Dennis Rutherford, et al. v. Leroy Baca, et al. inspected the Los Angeles County Men's Central Jail and Inmate Reception Center. The court noted that "significant progress had been made in addressing many of the issues that arose during the first tour. The six person cells were reduced to four persons, the four person cells were reduced to two persons, many of the areas in question had been cleaned and repainted and additional day room space, with televisions, was being developed." In addition, and pursuant to an order in the matter of Dennis Rutherford, et al. v. Leroy Baca, et al., scheduled cleanings are now performed to ensure sanitary conditions.

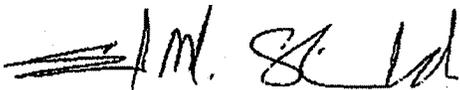
On October 26, 2006, the Los Angeles County Sheriff's Department began to limit the number of inmates per holding cell at the Inmate Reception Center. The Los Angeles County Sheriff's Department Custody Division implemented additional linen and clothing exchanges to counteract potential MRSA infections.

Finally, on or about December 16, 2014, the County of Los Angeles submitted to ongoing federal oversight in order to remedy adverse conditions in its jail facilities.

3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 2-20-15

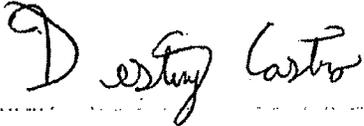
Name: (Department Head)	
Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 02/20/15

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

Yes, the corrective actions potentially have County-wide applicability.

No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)	
Destiny Castro	
Signature: 	Date: 2/23/2015